

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket	W-3493		
Staff	Gary Roberts, Jr.		
Petitioner(s)	Archie F. Wooten Heirs		
Owner(s)	Same		
Subject Property	PIN 6855-72-7706		
Address	210 Calvin Road		
Type of Request	Special Use rezoning from RS9 to RM5-S		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from RS9 (Residential, Single Family – 9,000 sf minimum lot size) to RM5-S (Residential, Multifamily – 5 units per acre maximum density). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> Residential Building, Single Family and Residential Building, Townhouse 		
Neighborhood Contact/Meeting	A summary of the petitioner’s neighborhood outreach is attached.		
Zoning District Purpose Statement	<p>The RM5 District is primarily intended to accommodate low density, pedestrian-oriented sites and communities containing duplexes, twin homes, multifamily, and townhouse residential buildings with three or four units, and similar residential uses at a maximum overall density of five units per acre. This district is intended for GMAs 2 and 3 and may be suitable for GMA 4 and Metro Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.</p>		
Rezoning Consideration from Section 3.2.15 A 13	Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	Yes, the proposed single-family and townhouse development is located within GMA 3 and fronts along a major thoroughfare.		
GENERAL SITE INFORMATION			
Location	North side of Kernersville Road, between Scotland Ridge Drive and Calvin Road		
Jurisdiction	Winston-Salem		
Ward(s)	East		
Site Acreage	± 63.95 acres		
Current Land Use	The site is currently undeveloped except for one single-family home and associated accessory buildings.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RM8-S	Under development for single-family homes
	East	RS9	Single-family homes
	South	RS9 and MH	Single-family homes
	West	RS9	Single-family homes

Rezoning Consideration from Section 3.2.15 A 13	Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?					
	Yes, the proposed single-family and townhome uses are compatible with the uses permitted on the adjacent residentially zoned properties.					
Physical Characteristics	The site is a mixture of woodland and pastureland. Nichols Lake is located in the central portion of the site. A small stream flows northward from this lake toward Salem Lake.					
Proximity to Water and Sewer	The proposed development will access public sewer in the northwestern corner of the site near Baxter Road. Public water can be accessed from Kernersville Road and Calvin Road.					
Stormwater/ Drainage	The site plan shows three aboveground stormwater management devices. A stormwater management study will be required prior to the issuance of any grading permits.					
Watershed and Overlay Districts	The site is located within the protected area of the Salem Lake WS III Water Supply Watershed. The built-upon area within the protected area is limited to 12 percent unless the Stormwater Quality Management Option is chosen, which this development will utilize.					
Analysis of General Site Information	The subject property is predominately undeveloped and includes a small stream and a pond. The eastern section of the site includes some challenging topography. The site does not include any regulatory floodplain areas. As noted, the property lies within the Salem Lake Watershed and it is also traversed by an overhead electric transmission line with associated towers.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2779	RM5-S and NSB-S to RM8-S and NSB-S	Approved 7/5/2005	Directly north	181.54	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Kernersville Road	Major Thoroughfare	± 972 feet	14,000	39,088		
Calvin Road	Local Street	± 344 feet	N/A	N/A		
Proposed Access Point(s)	The development will utilize two (2) full access driveways. One is located along Kernersville Road at the intersection of Farmingdale Avenue, and the other will be from Calvin Road, north of Kernersville Road.					
Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends a three-lane cross-section for Kernersville Road with wide outside lanes, curb, gutter, and sidewalks.					

<p>Trip Generation - Existing/Proposed</p>	<p><u>Existing Zoning: RS9</u> 63.95 acres / 9,000 sf = 309 homes x 9.57 (single-family trip rate) = 2,957 trips per day</p> <p><u>Proposed Zoning: RM5-S</u> The associated transportation impact analysis (TIA) projects approximately 915 trips per day (see TIA comments below).</p>
<p>Sidewalks</p>	<p>The <i>Comprehensive Transportation Plan</i> calls for sidewalk along Kernersville Road. However, given the lack of an existing sidewalk network in the area, a fee in lieu of sidewalk construction will be required by WSDOT. The petitioner is proposing sidewalks along both sides of the proposed internal streets.</p>
<p>Transit</p>	<p>WSTA Routes 101, 105 and 108 serve the intersection of Waughtown Street and High Point Road approximately 1.1 miles southwest of the site.</p>
<p>Connectivity</p>	<p>Due to the surrounding development pattern, the ± 64-acre site has limited opportunities for street connectivity to adjacent properties. This proposal includes connections to Kernersville Road and Calvin Road.</p>
<p>Transportation Impact Analysis (TIA)</p>	<p>This site is expected to generate approximately 915 trips per day, with approximately 107 of those trips arriving during the AM Peak and 141 in the PM Peak. The AM Peak trip generation breakdown is 26 vehicles entering and 81 vehicles exiting. During the PM Peak, the breakdown is 88 vehicles entering and 53 vehicles exiting.</p> <p>Of those entering trips, approximately 70 percent would use the Calvin Road access, with 40 percent turning left and 30 percent turning right off of Kernersville Road. There is an existing left turn lane to handle the left turns. However, there is not an existing right turn lane. Per the TIA, the development will add an additional 26 PM Peak right turns for a total of 33 right turns at total buildout (by 2023). Given the trip distribution and right-turn lane warrant analysis, WSDOT recommends a right-turn lane with a minimum of 25 feet of storage and an appropriate design speed taper at Calvin Road. Additionally, due to the high traffic count on Kernersville Road, left- and right-turn lanes will be required at the driveway across from Farmingdale Avenue. The left-turn lane will need to provide 50 feet of storage with appropriate deceleration and taper lengths. The right-turn lane will need 25 feet with appropriate deceleration and taper lengths.</p>
<p>Analysis of Site Access and Transportation Information</p>	<p>The development will contain approximately one mile of new public streets. As noted previously, this proposal would generate significantly less traffic than what could be allowed under the current RS9 zoning.</p> <p>The site will have one access directly from Kernersville Road and one from Calvin Road, which intersects with Kernersville Road. Although transit is not available in the immediate vicinity of the subject property, Kernersville Road is a major thoroughfare with ample capacity.</p>

	Based upon the findings of the Transportation Impact Analysis, most of the traffic associated with this request will access Kernersville Road via the connection with Calvin Road. A left-turn lane with 100 feet of storage is currently in place at this intersection. Winston-Salem Department of Transportation staff recommends installing a right-turn lane to accommodate westbound traffic on Kernersville Road entering Calvin Road. Left- and right-turn lanes will be required at the driveway on Kernersville Road across from Farmingdale Avenue.	
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Units (by type) and Density	160 dwelling units (single-family and townhomes) on 63.95 acres = 2.5 units per acre	
Building Height	Maximum	Proposed
	40 feet	Two stories
Impervious Coverage	Maximum	Proposed
	30 percent	14.3 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Section 4.5.11: RM5 Residential, Multifamily District • Section 5.2.71: Residential Building, Townhouse (use-specific standards) • Section 8.2: Salem Lake Watershed Protection 	
Complies with Section 3.2.11	(A) Legacy 2030 policies:	Yes
	(B) Environmental Ord.	Yes
	(C) Subdivision Regulations	Yes
Analysis of Site Plan Compliance with UDO Requirements	The site plan illustrates a large-scale residential development of 160 dwelling units located along new public streets. The plan includes the common recreation area required as a use condition for the townhouse component and complies with the Salem Lake Watershed requirements.	
CONFORMITY TO PLANS AND PLANNING ISSUES		
Legacy 2030 Growth Management Area	Growth Management Area 3 - Suburban Neighborhoods	
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Increase infill development in the serviceable land area. • Encourage a mixture of residential densities and housing types through land use recommendations. 	
Relevant Area Plan(s)	<i>Southeast Suburban Area Plan Update (2016)</i>	
Area Plan Recommendations	The area plan recommends Intermediate-Density Residential (8.1-18 units per acre) at this location.	
Site Located Along Growth Corridor?	The site is located along the Kernersville Road Growth Corridor.	
Site Located within Activity Center?	The site is not located within an activity center.	
Addressing	The street names shown on the proposed site plan have been approved by MapForsyth.	

Rezoning Consideration from Section 3.2.15 A 13	Have changing conditions substantially affected the area in the petition?	
	No	
	Is the requested action in conformance with <i>Legacy 2030</i>?	
	Yes	
Analysis of Conformity to Plans and Planning Issues	This request would rezone a ± 64-acre tract from RS9 to RM5-S to accommodate a 160-unit residential development. The proposal includes a low-density mixture of townhomes and single-family homes. The property is located along a major thoroughfare with ample capacity and is adjacent to RM8-S property to the north.	
	From an environmental perspective, the site is within the protected area of the Salem Lake Watershed and the proposed impervious coverage percentage complies with the maximum allowance.	
	The site is located within the <i>Southeast Suburban Area Plan Update</i> which recommends intermediate-density residential of up to 18 dwelling units per acre. The proposed density at 2.5 units per acre is substantially lower than the density range recommended in the area plan. The plan also identifies Kernersville Road as a growth corridor. The request is consistent with <i>Legacy</i> , which recommends infill development with a variety of housing types in the serviceable land area.	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal		Negative Aspects of Proposal
The proposed RM5-S request is generally consistent with the land use recommended in the area plan.		The request will increase the impervious coverage within the Salem Lake Watershed.
The request should generate significantly less traffic than what could be expected under the present zoning.		
The request includes a mixture of housing types.		
Traffic improvements along Kernersville Road will be provided as part of this development.		
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL		
The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:		
<ul style="list-style-type: none"> • <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> a. Developer shall obtain a Watershed Permit from the Erosion Control Officer. b. Developer shall submit a stormwater management study for review by the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved. Relocation or installation of any stormwater management device into any buffer areas, vegetated areas designated to remain, or in close proximity to adjacent residentially zoned property shall require a Staff Change approval at minimum and may require a Site Plan Amendment. 		

- c. Developer shall obtain a driveway permit from the City of Winston-Salem and NCDOT; additional improvements may be required prior to issuance of the driveway permit(s). Required improvements include:
- Dedication of forty-five (45) feet of right-of-way from the centerline of Kernersville Road;
 - Installation of a right-turn lane with fifty (50) feet of storage along Kernersville Road at the intersection with Calvin Road, provided adequate right-of-way exists;
 - Installation of a left-turn lane with fifty (50) feet of storage and a right-turn lane with twenty-five (25) feet of storage along Kernersville Road at the intersection with Farmingdale Avenue;
 - Widening Calvin Road 13.5 feet from the centerline and installation of curb, gutter, and sidewalk; and
 - Payment in lieu of sidewalk construction along Kernersville Road.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
- a. The proposed building plans shall be in substantial conformance with the submitted elevations as verified by Planning staff.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
- a. Developer shall complete all requirements of the driveway permit.
- b. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.

STAFF RECOMMENDATION: Approval

NOTE: These are **staff comments** only; the City-County Planning Board makes final recommendations, and final action is taken by the appropriate Elected Body, which may approve, deny, continue or request modification to any request. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

CITY-COUNTY PLANNING BOARD PUBLIC HEARING MINUTES FOR W-3493 SEPTEMBER 9, 2021

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Sara Shirley, American Engineering, 8008 Corporate Center Drive, Suite 110, Charlotte, NC 28226

- The plan for this property is anywhere from 8-18 units to the acre, and 2.7 was the previously proposed density. We're hoping to maintain a little flexibility in that. We have a couple of revisions that could possibly be done, but currently the proposed density is 2.5 units per acre.
- On Monday, August 23, we hosted an in-person and virtual neighborhood meeting to gather information. There were four main concerns: traffic, schools, stormwater, and buffering. A traffic impact analysis was performed. The traffic impact analysis did not recommend any improvements. The NCDOT has come back and stated that the turn lane on Kernersville Road would be required. We are agreeable to that, and agreeable that if the right-of-way exists along Calvin Road, we can consider a right-turn lane on Calvin Road.
- We have been in communication with the Forsyth County Board of Education to obtain current enrollment rates for the schools that are in current route to our project. The three schools that route to us have declined in terms of enrollment.
- The areas reserved for stormwater are intended to be dry retention basins within the Salem Lake Watershed. We're only allowed to develop a maximum of 30 percent of the site using the stormwater control measures. We can develop approximately 19 acres, maximum. The stormwater areas will be perpetually owned and maintained by the proposed Wooten Farms HOA. We will be proposing that every external perimeter will have a buffer along it, 20-foot minimum, 40-foot, generally, around the townhomes. Where we can preserve trees, we are happy to do so.
- We will offer amenity areas for the entire community, as well as a walking trail around the pond. We are proposing to maintain the front yard setback at 20 feet in order to keep cars off the sidewalks.

Nick Burns, Impact Designs, 172 Williamson Road, Unit 3728, Mooresville, NC 28117

- Traffic at this site is 915 trips per day, and from a number's perspective, it did not warrant any mitigations along Kernersville Road. However, the developer has worked with NCDOT and WSDOT and agreed to making additional improvements on top of what was in the traffic study in an effort to improve the flow along their frontage.

Asha Burnette, Keller Williams, 1407 NC Highway 66, Suite B, Kernersville, NC 27284

- I am a realtor in Kernersville. I am also a neighbor. I live off Kernersville Road, and I have been there for seven years. I was able to attend a community event where I met Scott Stone. I would like to offer an update on the housing market. Everyone knows there has been an inventory shortage, so I think this is a fantastic opportunity to provide more housing development. Also, to increase the market value for the houses that are neighboring the new subdivision, as well as providing some economic development for the Kernersville area.
- There were some concerns about traffic congestion and the schools being able to accommodate. They have confirmed there would not be a defect for that. I also think the new I-74 bypass will help eliminate some of the traffic concerns as well.

Kyle diPreto, 254 Kingsley Park Drive, Suite 110, Fort Mill, SC 29715

- I am the developer on the project and want to make myself available for any questions, anything relative to the type of construction and homes we plan to build here. We took a page from Vernon Farms. I think the overall design and intent of that project was thorough with regard to a variety of different demographics. We took into account the future land use plan and tried to be thoughtful and intentional with regard to the number of homes we had on site. We are well below what the future land use plan calls for.
- We also wanted it known that we definitely heard the neighbors' concerns when we met with them. We intend to be better neighbors than they have had in the past.

AGAINST:

Mitzi Williams, 251 Dumont Drive, Winston-Salem, NC 27107

- My first question is, has anybody walked the land? Everybody has all these opinions, but the land is very uneven, the pond is in the center of it, and they had to dynamite all around us. And I'm sure they are going to have to do it over there. I don't even know if they have surveyed the land to see if it's workable.
- My wish would be that the City purchase it and connect it to the Salem Lake walkway, because it's a beautiful piece of property, and I feel like the kids do not have enough places to go anyway.

Joey Butner, 3683 Kernersville Road, Kernersville, NC 27107

- The issues I have with this proposal have to do with infrastructure. A lot has been said about the traffic, but I'm not sure how old the traffic study is that is being used. The traffic on Kernersville Road is horrible. I don't think you will find anyone that lives near here

that says it's not so. If you want to find out how bad the traffic is, maybe talk to some of the bus drivers and that will give you an idea of how bad it is. Adding anything more to this would be awful.

- I want to talk about the schools, too. It was difficult getting our foster son in East Forsyth School because they were full. I am not sure where the numbers are coming from that these schools are not full. They are full. I don't think infrastructure is in place to add this many more homes onto Kernersville Road. I would prefer the infrastructure be completed because you have the interchange going in that is approximately a mile from this property; they are going to be rerouting a lot of traffic onto Kernersville Road. They are closing some of the connector roads, so that is going to be even more traffic. I don't think that is figured into any road study.
- Ms. Shirley stated that all the homes would be more than 100, 150 feet from any dwelling. Well, I have a modular home on there that is probably 60 feet from one of their proposals. If you look at Units 12, 13 and 14, it's very close to that modular home.
- We went to the community meeting; there were a whole lot of people there, and almost everyone was against this. The feeling of everyone around this whole project is that they really don't want to see this happen.

Ms. Williams agreed with Mr. Butner's comments and asked the Board if they received a petition from the community. Chris Murphy asked when it was turned in and to whom.

Debbie Blake, 240 Dumont Drive, Winston-Salem, NC 27107

- I have the official email where the City accepted the petition on August 25 at 2:37 p.m. by Sabrina Stowe. I also provided a letter attached to the petition and requested that it be presented to the Planning Board for the ones who were against this development proposal. And we also provided an outline for the reasons for the petition. They promised me it would be filed and provided to the City Planning Board meeting.

Chris stated that the petition was sent to the Community Assistance Liaison for the Council Member and that it was not officially submitted to Planning staff. He also stated that there were a number of letters that are included in the Board's packets from citizens who are in opposition. He suggested Ms. Blake send the petition to Gary.

Ms. Blake asked when the traffic study was conducted because there was no traffic in the photos provided. Gary indicated that he took the photos during normal work hours. Ms. Blake then stated that the developer would be coming onto her property, according to the proposal that was presented. She asked whether a barrier could be installed so they do not have to look at rooftops. Mr. diPreto stated that they would not be putting in a barrier wall, and that they certainly would not be coming up Calvin Road where it turns into a dirt road. He stated that they would stay on their property. There will be required plantings that will meet the conditions of the Planning and Engineering staff with the City, while maintaining as much of the vegetation that currently exists as possible.

Patti Petree, 3456 Kernersville Road, Kernersville, NC 27107

- We live a block from this proposed development. We understand development is inevitable on these farms. We own one of the farms in the area. But what we are personally against is the rezoning to multi-family. We would like it to stay zoned single-family to keep the feeling of the neighborhoods that are being built in this area the same as they are currently, not into townhomes. There is nowhere to park on the street.
- We would like the Planning Board and Council not to approve rezoning. Let the developers develop a lovely single-family neighborhood. We have seen people die in our front yard from the wrecks that are happening on Kernersville Road.

Judi Swaim, 3616 Kernersville Road, Kernersville, NC 27107

- I agree with everything, especially about the traffic on Kernersville Road. Our mailbox has been knocked over many times. We got permission from the post office to set it back off the road and it was still run into.

Ms. Williams indicated that over 61 people signed the petition. That included almost everyone in the area that knew about the rezoning. Ms. Petree asked the Board not to turn Winston-Salem into Charlotte with all the traffic they have there.

WORK SESSION

Jason Grubb stated that he wanted people to understand that the decision the Board makes today is not the final decision and that they will have an opportunity to make their voices heard when City Council hears this case.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the Comprehensive Plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition with the turn lane condition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

Chris Murphy, AICP
Acting Director of Planning and Development Services